

DOCKET FILE COPY ORIGINAL

ORIGINAL

RECEIVED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

AUG 23 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MM Docket No. 93-175

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Pateros, Washington)

)
)
)
)
)
)

RM 8264

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

COMMENTS

Community Log Church¹, Chelan Christian Broadcasting²,
Columbia Basin Christian Translator Association³, Tri City
Christian Translator Association⁴, Christians in Action⁵ and
North Okanogan Christian Translator⁶, jointly (hereafter
referred to as the "Central Washington Non-Commercial Translator
Operators" or "CWNTO") hereby respectfully file these comments
and a counter-proposal in response to the petition for rule
making by the so-called Pateros Community Broadcasters (hereafter

¹ The licensee of K215AA, Brewster, Washington.

² The licensee of K215AD, Chelan, Washington.

³ The licensee of K219AA, Moses Lake and Ephrata, Washington
and K213AX, Royal City and Mattaw, Washington.

⁴ The licensee of K282AA, Richland, Kennewick and Pasco,
Washington.

⁵ The licensee of K280AP, Omak, Washington.

⁶ The licensee of K211AI, Tonasket, Washington

Number of Copies rec'd
List A B C D E

045

"Read") in the above-captioned proceeding. In support of the CWNTO counter-proposal, the following is respectfully submitted.

1. Each FCC licensee of CWNTO rebroadcasts the signal of non-commercial FM station KMBI-FM, Spokane, Washington. KMBI-FM operates on the FM Channel 300 allocation at Spokane, Washington. CWNTO licensees each receive the signal of KMBI-FM over-the-air in their respective communities and rebroadcast that station on their assigned output frequencies throughout the central region of the State of Washington.

2. The translator licensees that comprise CWNTO operate non-commercial FM translators and provide quality Christian radio programming for the central portion of the State of Washington. Such quality Christian programming is not otherwise available in the region and would not be available in the event the translators did not rebroadcast the KMBI-FM signal.

3. Should the Commission assign FM Channel 300 to Pateros, Washington, and a broadcast station subsequently commence operation on that channel in that community, the translators operated by CWNTO would be unable to receive the co-channel signal of KMBI-FM from the more distant community of Spokane. The CWNTO licensees would thus be unable to rebroadcast the KMBI-FM signal on their respective translators, resulting in a loss of the valuable quality programming they provide to their respective communities through the rebroadcast of KMBI-FM.

4. CWNTO has commissioned an engineering study by the Washington, D.C. communications engineering firm of Lechman & Johnson, Inc. A full band FM study was conducted by Lechman & Johnson, Inc. using the reference coordinates for Pateros, Washington as listed in the index to the National Atlas of the Commerce Department, as specified in Section 73.208 of the Commission's rules and regulations. The results of this study are appended hereto as Exhibit A.

5. The Lechman & Johnson, Inc. study discloses that there are at least two other Class A commercial FM channels that may be assigned to Pateros, Washington that will meet the requirements of Sections 73.207 and 73.315(a) and (b) of the Commission's rules. These are FM Channels 238A and 245A. Unlike Read's proposed FM Channel 300A allocation, these channels may be assigned to Pateros without the need for a site restriction. Moreover, the operation of an FM station on either channel will not interfere with the reception of the signal of KMBI-FM by the CWNTO licensees and will not cause the termination of operation by their translators with the corresponding loss of service to the public.

6. In summary, the allocation of FM Channel 300A to Pateros, which can only be accomplished with a site restriction⁷, is unnecessary inasmuch as there are at least two other FM channels that can be allocated to that community without

⁷ The station that would be short-spaced by a Channel 300A allocation at Pateros is KMBI-FM.

the need for a site restriction. Moreover, the allocation of FM Channel 300A will unnecessarily deprive seven non-commercial FM translators of their input signal and result in the termination of the operation of their translators.

Accordingly, for the reasons stated herein, CWNTO jointly request that the Commission assign either FM Channel 238A or FM Channel 245A to Pateros, Washington in lieu of the proposed FM Channel 300A allocation.

Respectfully submitted,

Central Washington Non-Commercial
Translator Operators

By: 

~~Jeffrey D. Southmayd~~

Their Attorney

Southmayd & Miller
1220 Nineteenth Street, N.W.
Suite 400
Washington, D.C. 20036
(202) 331-4100

Date: August 23, 1993

EXHIBIT A

DECLARATION

Prepared For

Central Washington Non-Commercial Translator Operators

Thomas J. Johnson says that he is an engineer and Vice President of Lechman & Johnson, Inc., Telecommunications Consultants, with offices located at 16201 Trade Zone Avenue, Suite 106, Upper Marlboro, Maryland, and that his qualifications are a matter of record with the Federal Communications Commission.

The firm of Lechman & Johnson, Inc., has been retained by Central Washington Non-Commercial Translator Operators to prepare this Engineering Statement in support of an opposition to the Petition for Rule Making, RM-8264, MM Docket No. 93-175, to amend the Table of FM Assignments, Section 73.202(b), to allocate Channel 300A to Pateros, Washington by Pateros Community Broadcasters ("PCB").

Central Washington Non-Commercial Translator Operators are authorized to retransmits the signal of KMBI-FM, Spokane, Washington. KMBI-FM's operating frequency 107.9 MHz (Channel 300C) is the input frequency to the Central Washington Non-Commercial Translator Operators translators. If Channel 300A is allocated to Pateros, the operation of a station on 107.9 MHz at Pateros will cause interference to the input frequency to the translators.

In its petition for Rule Making, Pateros Community Broadcasters used the following coordinates as its specified site:

N. Latitude: 48° 03' 32"

W. Longitude: 120° 00' 51"

The specified site proposed by PCB is located 8.3 km (5.1 miles) west of Pateros to avoid a short spacing to Station KMBI-FM, Channel 300C, Spokane, Washington.

LECHMAN & JOHNSON, INC.

Declaration / Thomas J. Johnson
Central Washington
Non-Commercial Translator Operators
August 20, 1993
Page Two

The above noted site has been plotted on a 7.5 minute topographic quadrangle map, the ground elevation extrapolated and terrain profile graphs plotted for radials 89°T, 93°T and 99°T which traverse the boundaries of Pateros, Washington.

Table 1 is a tabulation of the terrain data extrapolated from the topographic maps for the specified directions.

Figure 1 is a copy of sections from Copper Mtn. and Pateros topographic maps which shows the specified site, the 89°T, 93°T, and 99°T radials, and the boundaries of Pateros. Figures 2, 3 and 4 show the terrain profile graphs from the specified site through Pateros along the 89°T, 93°T and 99°T radials, respectively. As is shown, the specified site is located at an elevation of 2760 feet. Along each of the specified radials, the site is located behind an obstruction. In addition, there are other obstructions located just prior to the boundaries of Pateros. For example, along the 89°T radial at a distance of 4.5 miles, the elevation is 1760 feet. The elevation at 5.6 miles is 760 feet. As shown from the terrain profile graphs, an unobstructed line of sight signal cannot be provided to all of Pateros in accordance with the provisions of Section 73.315(b) of the FCC Rules and Regulations.

A full band FM study was conducted of the commercial channels using the reference coordinates of Pateros as listed in the Index to the National Atlas, as specified in Section 73.208 of the FCC Rules and Regulations. These coordinates are as follows:

N. Latitude: 48° 03' 18"
W. Longitude: 119° 54' 12"

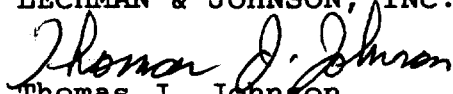
As shown in Figure 5 and Figure 6, Channel 238A and/or Channel 245A can be assigned to Pateros, Washington from the reference site that will meet the separation requirements of Section 73.207 of the FCC Rules and Regulations and meet the coverage requirements of Section 73.315(a) & (b) of the Rules without the requirement of a site restriction. There are other additional FM channels that can be assigned to Pateros that will meet the Commission's spacing requirements. Accordingly, it is requested that Channel 238A or Channel 245A be assigned to Pateros, Washington in lieu of Channel 300A.

Declaration / Thomas J. Johnson
Central Washington
Non-Commercial Translator Operators
August 20, 1993
Page Three

The results of these studies show that Channels 238A and/or 245A can be assigned to Pateros Washington consistent with the requirements of the Commission's Rules and Regulations.

I declared under penalty of perjury that the foregoing is true and correct.

LECHMAN & JOHNSON, INC.

A handwritten signature in cursive script, appearing to read "Thomas J. Johnson".

Thomas J. Johnson
Telecommunications Consultant
August 20, 1993

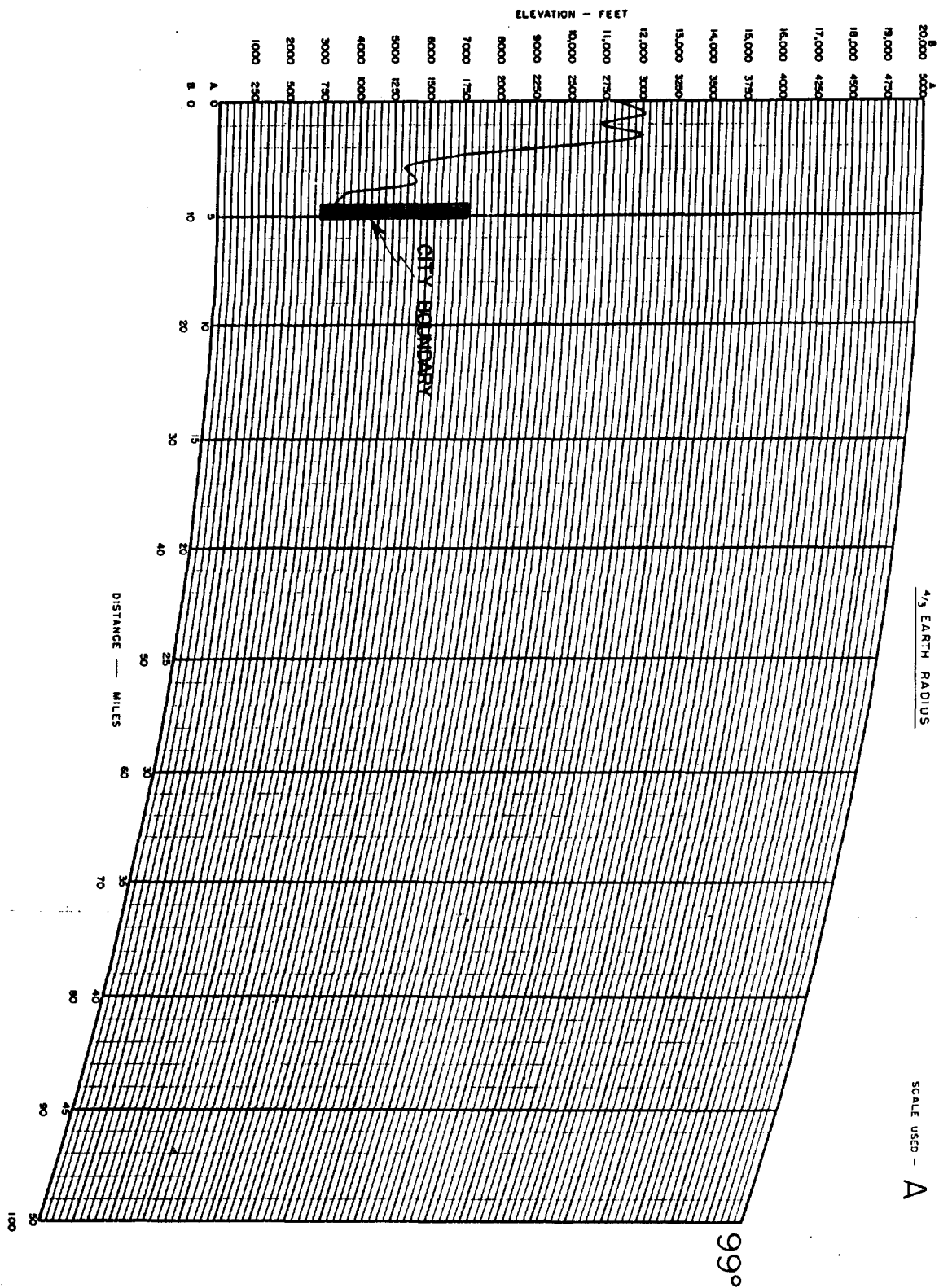
TABLE 1

CENTRAL WASHINGTON NON-COMMERCIAL TRANSLATOR OPERATORS

<u>Distance</u> <u>(Miles)</u>	<u>Bearing</u> <u>89° T</u>	<u>Bearing</u> <u>93° T</u>	<u>Bearing</u> <u>99° T</u>
0	2760	2760	2760
0.2	2680	2680	2760
0.7	2800	2800	2880
0.6	2000	3040	3120
0.8	2440	2000	2800
1.0	2000	1960	2720
1.2	2000	2720	3000
1.4	2080	2800	2640
1.6	2040	1980	2320
1.8	1880	2120	2320
2.0	1760	2080	2400
2.2	1680	1960	2120
2.4	1440	1760	1800
2.6	1360	1640	2000
2.8	1160	1480	1480
3.0	880	1160	1320
3.2	840	960	1400
3.4	980	800	1240
3.6	1000	820	1120
3.8	1160	800	960
4.0	1440	760	920
4.2	1440	1020	820
4.4	1620	1080	800
4.6	1760	1200	800
4.8	1440	1240	800
5.0	1240	1000	800
5.2	1040	820	
5.4	880	760	
5.6	800		
5.8	760		

Specified Site

North Latitude: 48° 03' 32"
 West Longitude: 120° 00' 51"



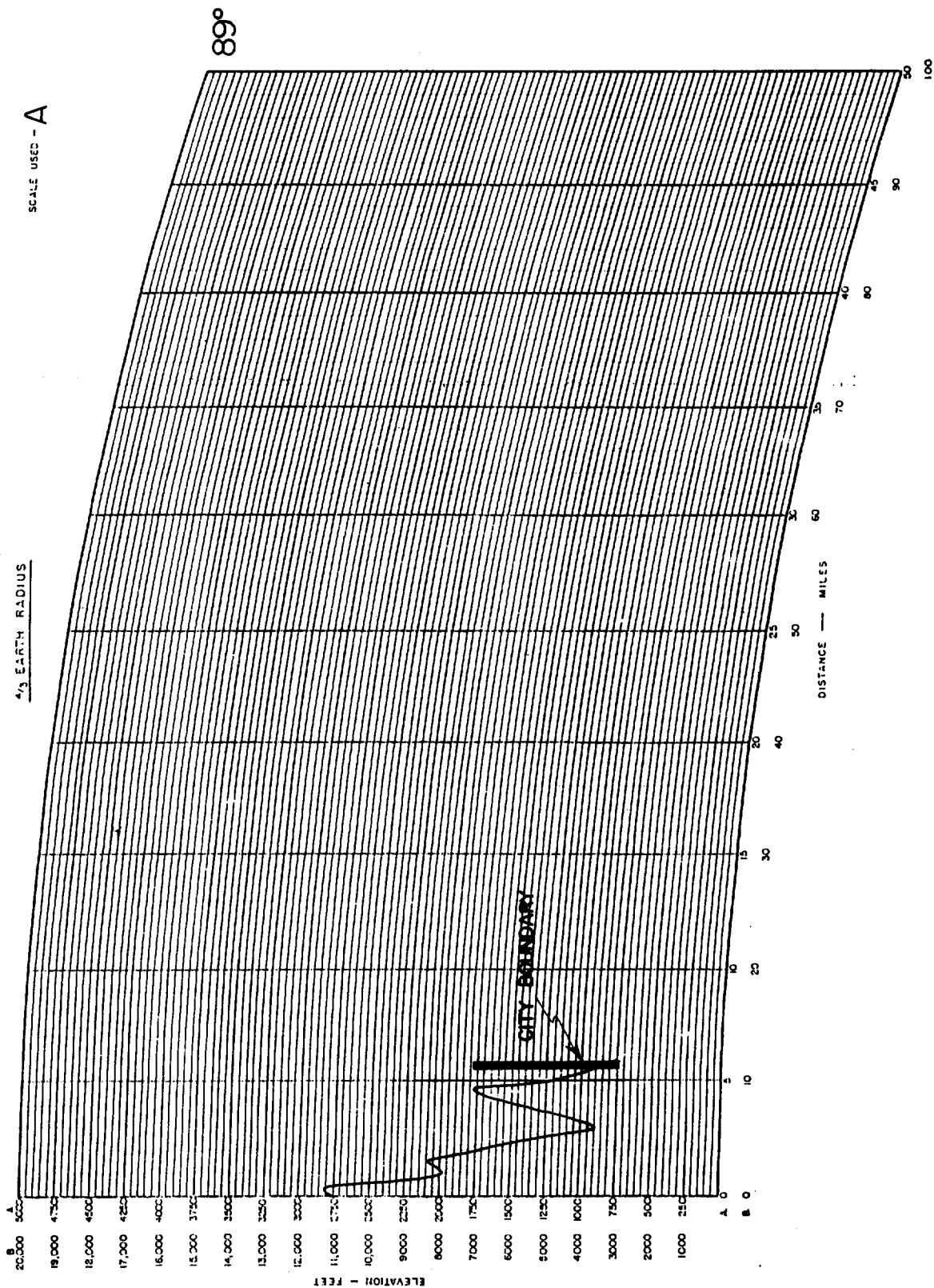
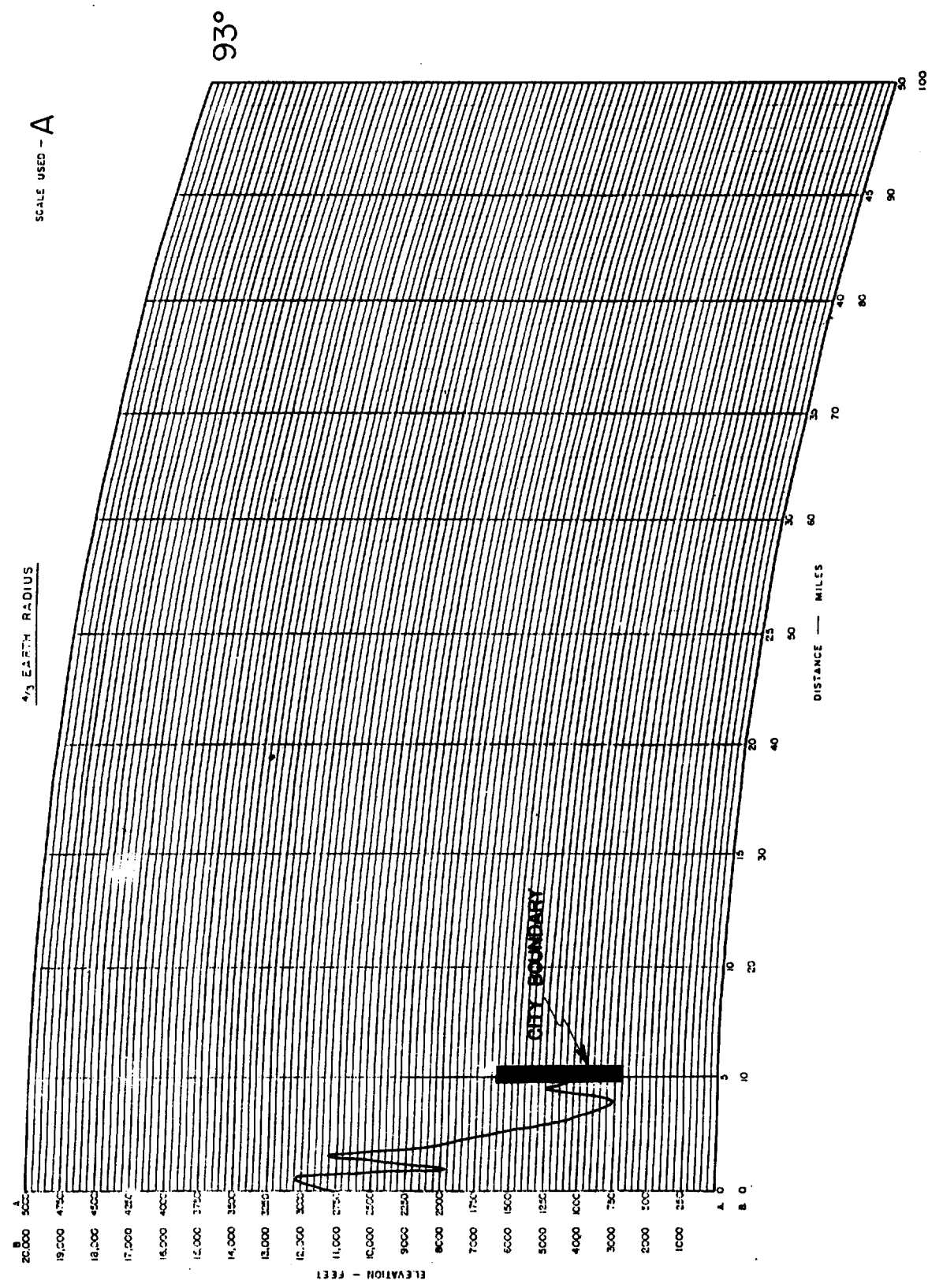


Figure - 3



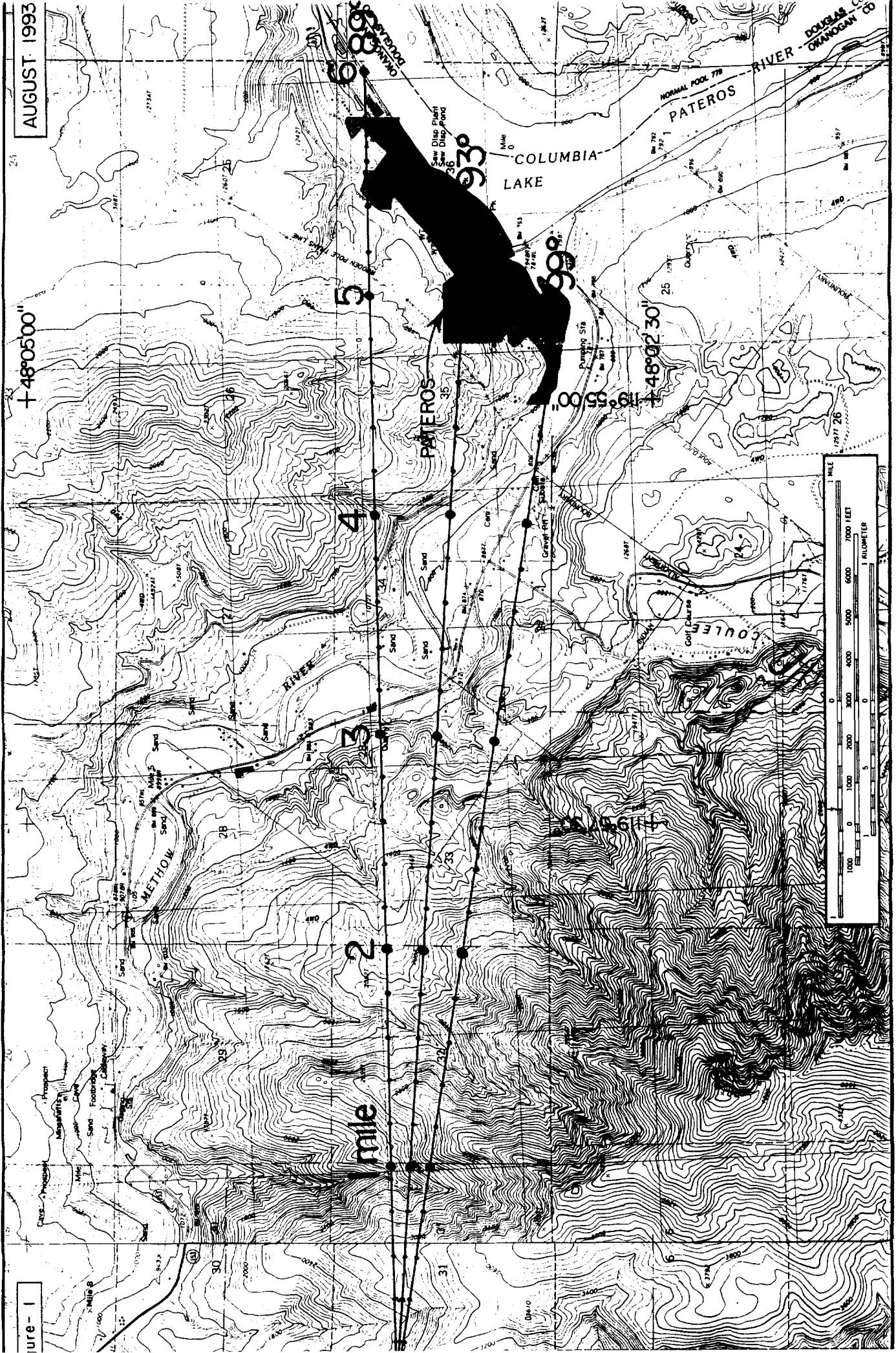


FIGURE 5

LECHMAN AND JOHNSON, INC.
16201 TRADE ZONE AVENUE, SUITE 106
UPPER MARLBORO, MARYLAND 20772

SEPARATION STUDY

Pateros, Washington

Channel 238A 048- 3-18 / 119-54-12 erp : 6.000 kw eah : 100 m

Designation =====	Channel (MHz) =====	Pertinent Allocation or Authorized Station =====	Separation Actual =====	(Km) Required =====
1st Adjacent	237A (95.3)	CBUBFM, Osoyoos, BC 049- 6- 8 / 119-34-38 0.23 kw / -76 m bearing from proposed = 11.52 deg	118.91 CLEAR (	113 5.91 km)
1st Adjacent	237C2 (95.3)	Ellensburg, WA WINDOW OPEN, 047- 0- 0 / 120-31-40 0.00 kw / 0 m bearing from proposed = 202.02 deg	126.37 CLEAR (	106 20.37 km)
1st Adjacent	239C (95.7)	Trail, BC 049- 5-26 / 117-49- 8 0.00 kw / 0 m bearing from proposed = 52.32 deg	192.16 CLEAR (	177 15.16 km)
1st Adjacent	239C (95.7)	KLTX, Seattle, WA BLH-810330AK 047-32-41 / 122- 6-28 100.00 kw / 360 m bearing from proposed = 251.80 deg	174.62 CLEAR (	165 9.62 km)
1st Adjacent	239C (95.7)	Seattle, WA WINDOW OPEN, 047-32-41 / 122- 6-28 0.00 kw / 0 m bearing from proposed = 251.80 deg	174.62 CLEAR (	165 9.62 km)
I.F. Beat	292A (106.3)	KDTP, Twisp, WA BPH-910904MC 048-19- 6 / 120- 6-46 0.22 kw / 499 m bearing from proposed = 332.14 deg	33.17 CLEAR (	10 23.17 km)

END OF STUDY

FIGURE 6

LECHMAN AND JOHNSON, INC.
 16201 TRADE ZONE AVENUE, SUITE 106
 UPPER MARLBORO, MARYLAND 20772

SEPARATION STUDY

Pateros, Washington

Channel 245A 048- 3-18 / 119-54-12 erp : 6.000 kw eah : 100 m

Designation =====	Channel (MHz) =====	Pertinent Allocation or Authorized Station =====	Separation Actual =====	(Km) Required =====
Co-channel	245C (96.9)	CKKSFM, Vancouver, BC 049-21-29 / 122-57- 9 72.00 kw / 686 m bearing from proposed = 304.07 deg	267.14 CLEAR (	259 8.14 km)
1st Adjacent	244A (96.7)	KWWFM, Quincy, WA BLH-850917KA 047-19-13 / 119-48- 0 0.26 kw / 329 m bearing from proposed = 174.55 deg	82.06 CLEAR (	72 10.06 km)
1st Adjacent	244A (96.7)	Quincy, WA WINDOW OPEN, 047-19-13 / 119-48- 0 0.00 kw / 0 m bearing from proposed = 174.55 deg	82.06 CLEAR (	72 10.06 km)
1st Adjacent	246B (97.1)	CJMGFM, Penticton, BC 049-31-44 / 119-38-25 1.80 kw / 230 m bearing from proposed = 6.61 deg	165.04 CLEAR (	149 16.04 km)

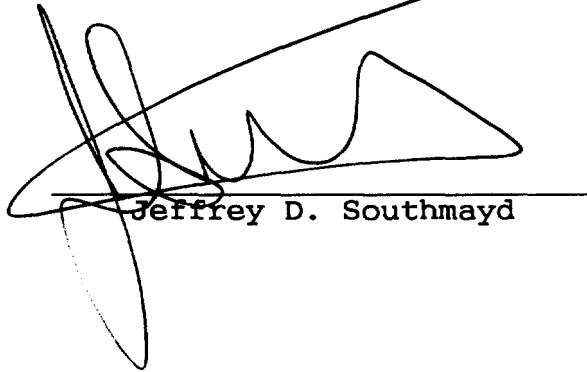
END OF STUDY

CERTIFICATE OF SERVICE

I, Jeffrey D. Southmayd, do hereby certify that on this 23rd day of August, 1993, I have caused copies of the foregoing to be served by first class mail, postage pre-paid, on the following:

Michael C. Ruger
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
2025 M Street, N.W.
Room 8010
Washington, D.C. 02554

John F. Garziglia, Esquire
Pepper & Corazzini
1776 K Street, N.W.
Suite 200
Washington, D.C. 20006
Counsel to Pateros Community Broadcasters



Jeffrey D. Southmayd